

REMARKS

Claims 1-10 are pending in the application, and stand rejected. Claims 11-17 have been withdrawn.

Rejection under 35 U.S.C §103

Claims 1-2, 4-5, 8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,566 to Feigen in view of U.S. Pat. No. 5,794,054 to Le et al. and further in view of U.S. Patent No. 5,721,781 to Deo. In particular, the Examiner finds that, with regard to claims 1, 5 and 8, Feigen teaches the interrogating of an electronic transaction terminal with an electronic security device to obtain an integrity metric for the transaction terminal at col. 2 ll. 29-48, and determining if the transaction terminal is a trusted terminal based upon the integrity metric. Applicants respectfully disagree.

The passage in Feigen cited to by the Examiner is reproduced below for the Examiner's ease of reference:

After a decision has been made to verify the integrity of a particular remote unit, the verification unit identifies a memory range or ranges within the remote unit the contents of which are to be hashed. The verification unit also generates a random seed value that is to be planted within the data stream being hashed in the remote unit. In addition, the verification unit determines the location within the data stream at which the random seed value is to be placed. The verification unit then delivers an interrogation signal to the remote unit that includes the memory range information, the random seed value, and the random seed value location information. The interrogation signal is also delivered to the local

communication unit. The remote unit and the local unit then each perform the requested hash operation and each return a hash value to the verification unit. The verification unit then compares the values to determine whether any modifications have occurred within the remote unit. If the values are not the same, the system determines that modifications have been made and further investigation is initiated.

A careful reading of the rest of Feigen reveals that the “verification unit” is actually located remotely from the remote unit (at the head-end) and thus can in no way be understood to be “a trusted device associated with the transaction terminal.” Thus, Applicants at the outset traverse the Examiner’s characterization of Feigen as the alleged “integrity metric” obviously does not read upon the claimed integrity metric that is clearly recited in the claims as being measured by a trusted device associated with the transaction terminal after the last restart of the transaction terminal. In short, Applicants do not agree that Feigen discloses the interrogation of a transaction terminal to obtain an integrity metric for the transaction terminal.

The Examiner does acknowledge some of the many other shortcomings of Feigen and attempts to cure them with combination of bits and pieces of Deo and Le that is so counterintuitive and self-contradictory as to border on the nonsensical. Erstwhile, the Examiner once again alleges that Le teaches the measuring by a trusted device associated with the transaction terminal after the last restart of the transaction terminal at col. 9 ll. 1-48 (microcontroller as trusted device that measures integrity of the bios following a reset), but this time limits his reading of Deo as only disclosing allowing financial transaction data to be input into the transaction terminal if it is identified as a trusted terminal. Then, pulling in random quotations from Le and Deo, the Examiner somehow convinces himself that it would have been obvious to the skilled person to utilize Deo’s method of trust with financial terminals and Le’s method of measuring integrity with Feigen’s integrity verification system because etc. etc. On its very face, this statement begs to be thrown overboard.

At the outset, Applicants ask what method of trust of Deo? The Examiner alleges that Deo only teaches allowing financial transaction data to be input into the transaction terminal if it is identified as a trusted terminal. Where in this are Applicants to discern the alleged “method of trust of Deo?”

Further, Applicants note that using Le’s method of measuring integrity with Feigen’s integrity verification system is not only not complimentary in the least bit but actually completely redundant. If Le teaches a method of measuring integrity, why would the skilled person go looking to Feigen’s integrity verification system? The Examiner’s proffered motivation simply makes no sense – if Le teaches the desirability of providing reduces system cost, greater system reliability, and assurances that the bios is not corrupted, then – again – why would Feigen be consulted? Where does Feigen teach that his system provides these benefits? And, for that matter, since Le teaches that his system provides the aforementioned benefits, why would anyone go looking elsewhere for these very same benefits?

Furthermore, the Examiner’s assertion of the obviousness of combining these three references is painfully devoid of any hint or suggestion as to how exactly the skilled person would go about utilizing Deo’s method of trust with financial terminals and Le’s method of measuring integrity with Feigen’s integrity verification system, and thus sets forth not one iota of the expectation of success required for a proper §103 rejection.

Applicants further, and once again, remind the Examiner that Le teaches the sharing of ROM between two processors, wherein one of the processors measures a checksum of the ROM to establish whether the *data* in the ROM has been corrupted and needs to be replaced. Thus, “the advantage of providing reduced system cost, greater system reliability... and assurances that the bios is usable and non-corrupted” is only an advantage to an arrangement wherein two processors share ROM. There is absolutely not one iota of motivation for a skilled person attempting to practice either of Feigen’s method for a head-end verification unit to verify that a remote cable box has not been tampered with, or for Deo’s method for separate devices to authenticate one another, to look at a reference such as Le that is concerned with allowing two processors to use the same ROM. What does sharing ROM have to do with a one unit verifying another, remotely-located unit, or physically separate, self-contained smart devices being able to

authenticate one another? Moreover, there is no teaching in Le of measuring integrity of a device, merely of assessing whether *data* has been *corrupted*.

Finally, Applicants ask the simple question – what element in either of Feigen, Le or Deo does the Examiner allege to correspond to the claimed trusted device? That is, a (1) trusted device (2) associated with the transaction terminal and (3) able to measure an integrity metric for the transaction terminal (4) after the last restart of the transaction terminal?

Applicants respectfully remind the Examiner that “[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP §2142. As fully set forth above, there is in fact no motivation either on the face of the references themselves nor, logically, in the general knowledge of the skilled person to combine these three references in the disjointed and not-altogether-very-clear manner asserted by the Examiner; even if the combination was attempted, there is certainly no expectation of success on the face of either reference (and the Examiner has made no attempt at even identifying such indication of expected success in either reference); and, finally, the references do not in fact teach and every limitation of the instant claims.

In view of all of the preceding, Applicants respectfully submit that claims 1, 5 and 8 are in fact patentable over the art on record, and respectfully request the Examiner to kindly reconsider and pass these claims to issue.

Claims 2 and 4 are dependent on claim 1, and claim 10 is dependent on claim 8. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1, 5 and 8, Applicants submit that claims 2, 4 and 10 are also allowable.

Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen, Deo and Le in view of U.S. Pat. No. 6,694,436 to Audebert, claim 7 as unpatentable over Feigen, Deo, Le, Audebert and further in view of U.S. Pat. No. 6,772,331 to Hind, and claim 9 as unpatentable over Feigen, Deo and Le in view of U.S. Pat. No. 5,272,754 to Boerbert.

Claims 3, 6, and 7 and 9 depend from claims 1, 5 and 8, respectively. Therefore, in light of the above discussion of claims 1, 5 and 8, Applicants submit that claims 3, 6, 7 and 9 are also allowable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

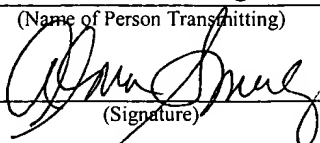
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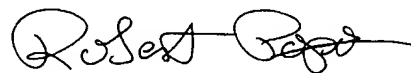


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Respectfully submitted,



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